

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BEFORE THE STATE MEDICAL BOARD

In the Matter of:)
Edward W. Zeff, M.D.)
Respondent)
Case No. 2019-000339)

CONSENT AGREEMENT

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing (Division) and Edward W. Zeff (Respondent) as follows:

- 1) **Licensure.** Respondent is currently licensed as a Physician in the State of Alaska and holds License number MEDS5272. This license was first issued on March 9, 2004, and will lapse unless renewed by December 31, 2020.
- 2) **Admission/Jurisdiction.** Respondent admits and agrees the Alaska State Medical Board (Board) has jurisdiction over the subject matter of his license in Alaska and over this Consent Agreement.
- 3) **Admission/Facts.** Respondent concedes to the following allegations for the purpose of this licensing action only:
 - a) On December 28, 2018, Respondent mailed a payment to renew his physician license for the State of Alaska along with his Prescription Drug Monitoring Program ("PDMP") form and payment to the Division. Respondent inadvertently failed to include his renewal application or other paperwork required to renew in this mailing.
 - b) On December 31, 2018, Respondent's Physician License lapsed.
 - c) The Division received the forms sent by Respondent on January 3, 2019 and promptly processed the \$425.00 license renewal payment and the \$25 PDMP payment.
 - d) The payment receipt from the Division referenced Respondent's license and shows that the \$425.00 renewal payment was posted on January 9, 2019.

- 1 e) Respondent mistakenly believed he had supplied everything to the Division that was needed
2 to renew his license without any lapse, noted that his payment had been processed by the
3 Division, and was awaiting receipt of his renewal license in the mail. Respondent continued to
4 provide patient care based on this mistaken understanding from January 1 – February 21, 2019.
5 f) Upon realizing he had not submitted a renewal application, Respondent immediately ceased
6 providing medical care in Alaska and worked diligently and in good faith with the Division to
7 resolve his lapsed license issue.
- 8 g) Respondent FedEx'ed his renewal application to the Division on March 5, 2019. The Division
9 received Respondent's renewal application on March, 7, 2019.
- 10 h) On March 13, 2019, the Division contacted Respondent with a list of additional items the
11 Division required in order to reinstate Respondent's license. These items related to health issues
12 that had prevented Respondent from timely completing his continuing medical education (CME)
13 requirements. In a Memorandum of Agreement (Case No. 2019-000330), the Division agreed
14 that these health issues constituted extenuating circumstances under 12 AAC 40.240 and granted
15 Respondent an extension of time until June 1, 2019 to complete his CME requirements.
16 Respondent timely completed his CME requirements and fully complied with all other
17 requirements set out in the Memorandum of Agreement.
- 18 i) Respondent's medical license was renewed with an effective date of March 26, 2019.
- 19 j) Respondent concedes for purposes of this licensing action only that he unknowingly and
20 unintentionally worked as a Physician from January 1, 2019 until February 21, 2019 with a
21 lapsed license in Alaska.
- 22 k) Respondent concedes that as a result of the above facts, grounds exist for possible
23 disciplinary sanctions consistent with AS 08.64.331(f) pursuant to AS 08.01.075 and 12 AAC
24 40.967(6).

25 **4) Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide
26 for the compromise and settlement of all issues addressed in Paragraph 3 (above), which have
27 been raised by an Accusation to revoke, suspend, or impose disciplinary sanctions through a
28 formal hearing process.

29 **5) Waiver of Rights.** Respondent understands he has the right to consult with an attorney of
30 his own choosing and has a right to an administrative hearing on the facts in this case. Respondent
31 understands and agrees that by signing this Consent Agreement, Respondent is waiving his right

1 to a hearing. Further, Respondent understands and agrees that he is relieving the Division of any
2 burden it has of proving the facts admitted above. Respondent further understands and agrees that
3 by signing this Consent Agreement he is voluntarily and knowingly giving up his right to present
4 oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against
5 Respondent, and to appeal the Board's decision to Superior Court.

6 **6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that
7 this Consent Agreement is subject to the approval of the Board. They agree that, if the Board
8 rejects this agreement, it will be void, and a hearing on the Accusation will proceed. If this
9 agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a
10 hearing on the matters alleged in an Accusation and the admissions and concessions contained
11 herein will have no effect. Respondent agrees that, if the Board rejects this agreement, the Board
12 may decide the matter after a hearing, and its consideration of this agreement shall not alone be
13 grounds for claiming that the Board is biased against him, that it cannot fairly decide the case, or
14 that it has received ex parte communication. The admissions and concessions of Respondent
15 contained herein are made in order to reach a compromise of disputed claims and shall only be
16 deemed to be admissions and concessions of Respondent in this licensing action and shall not be
17 deemed as admissions or concessions of Respondent in any civil, criminal, or other setting.

18 **7) Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the
19 authority to enter into this Consent Agreement and to issue the following Decision and Order.

20 **PROPOSED DECISION AND ORDER**

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22 IT IS HEREBY ORDERED that upon the Board's approval of this Consent Agreement, the
23 Physician license issued to Respondent shall be subject to the following terms and conditions:

24 **A. Violation of Agreement**

25 If Respondent fails to comply with any term or condition of this Consent Agreement, the
26 Division may enforce this agreement by immediately suspending Respondent's license, without an
27 additional order from the Board or without a prior hearing, for a violation of this agreement. In
28 addition, any suspended portion of the civil fine will be immediately due.

29 If Respondent's license is suspended under this paragraph, as provided above, he will be
30 entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If Respondent's

1 license is suspended, he will continue to be responsible for all license requirements pursuant to AS
2 08.64.

3 **B. Good Faith**

4 All parties agree to act in good faith in carrying out the stated intentions of this Consent
5 Agreement.

6 **C. Address of the Board**

7 All communications concerning compliance with this Consent Agreement shall be
8 addressed to:

9 Attn: Medical Board Investigator
10 Division of Corporations, Business and Professional Licensing
11 550 West 7th Avenue, Suite 1500
12 Anchorage, AK 99501-3567
13 (907) 269-8174 Fax (907) 269-8195
14

15 **D. Compliance with laws**

16 Respondent shall obey all local, state and federal laws governing his license.

17 **E. Civil Fine**

18 Respondent shall pay a fine of one thousand dollars (\$1,000). The civil fine may be paid in
19 cash, certified check, or money order payable to the "State of Alaska" or by credit card by calling
20 (907) 269-8160, within 90 days after this order is adopted.

21 All payments required by this Consent Agreement shall be addressed to:

22 Greg Francois, Chief Investigator
23 Division of Corporations, Business and Professional Licensing
24 550 West 7th Avenue, Suite 1500
25 Anchorage, Alaska 99501-3567

26 **F. Reprimand**

27 *It is hereby ordered that a public reprimand be issued against licensee, Edward W. Zeff,*
28 *MD, for practicing as a Physician in the State of Alaska with a lapsed license, in violation*
29 *of 12 AAC 40.967(6).*

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1 IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect immediately
2 upon its adoption by the Board and is a public record of the Board and the State of Alaska. The
3 State may provide a copy of it to any person or entity, professional licensing board, federal, state,
4 or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the National
6 Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and other entities
7 as required by law.

8
9 DATED this 9th day of July, 2020 at Anchorage, Alaska.

10
11 JULIE ANDERSON, COMMISSIONER

12 DocuSigned by:

13 *Greg Francois*

14 By: A25B5A8A3A5B4B4...

15 Greg A. Francois, Chief Investigator for
16 Sara Chambers, Director
17 Division of Corporations, Business and
18 Professional Licensing
19

20
21 SLL

22 I, Edward W. Zeff MD, have read the Consent Agreement, understand it, and agree to be
23 bound by its terms and conditions.

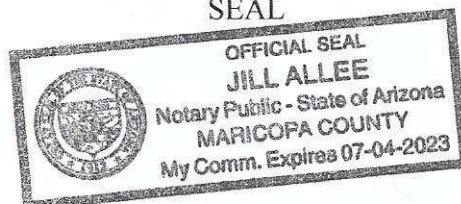
24 DATED: 7/10/20

25 *Edward W. Zeff MD*
26 Edward W. Zeff MD

27 SUBSCRIBED AND SWORN TO before me this 10th day of

28 July, 2020, at Scottsdale, ~~Alaska~~ Arizona

29
30 SEAL



39 *Jill Allee*
40 Notary Public in and for ~~Alaska~~ Arizona

41 *Jill Allee*
42 Notary Printed Name

43 My commission expires: 7/4/2023

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BEFORE THE ALASKA STATE MEDICAL BOARD

In the Matter of:)
)
Edward W. Zeff, MD)
)
Respondent)
Case No. 2019-000339

ORDER

The Alaska State Medical Board for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2019-000339, Edward W. Zeff, MD, license number MEDS5272, adopt the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of the Consent Agreement.

DATED this 20th day of August, 2019, at
Sitka, Alaska.

ALASKA STATE MEDICAL BOARD

By: Richard J. Wain, M.D.
Board President